



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

August 11, 2016

Kyle Edwards, Resident Agent
BRC Wellington, LLC
P.O. Box 401
Wellington, Utah 84542

Subject: Decision Document and Application Approval, BRC Wellington, LLC
Bowie Waste Rock Site, C/015/0035, Task ID #4966

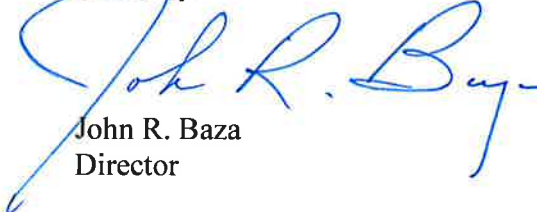
Dear Mr. Edwards:

The Decision Document and "Proposed Permit" for the Bowie Waste Rock Site are enclosed. The Division has made a decision to approve your application with conditions. Please note the conditions attached to the proposed permit. Once the permit is issued, BRC Wellington, LLC will be required to adhere to the permit requirements and conditions.

Issuance of the actual permit is pending the posting of the reclamation bond and updated certificate of insurance along with the reclamation agreement. Please contact Suzanne Steab at 801-538-5265 for the necessary paper work to complete this requirement.

At this time, please submit 2 clean copies of the permit application. A copy of your approved (stamped incorporated) Operation and Reclamation Plan will be returned to you for your records. If you have any questions, please call me at (801) 538-5334 or Daron Haddock, Coal Program Manager at (801) 538-5325.

Sincerely,



John R. Baza
Director

JRB/DRH/sqs
Enclosures

cc: Alan Boehms, OSM

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**UTAH DIVISION OF OIL, GAS AND MINING
STATE DECISION DOCUMENT
PERMIT**

BRC Wellington, LLC
Bowie Waste Rock Site
C/015/0035
Emery County, Utah

August 11, 2016

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ADMINISTRATIVE OVERVIEW

BRC Wellington, LLC
Bowie Waste Rock Site
C/015/0035
Emery County, Utah

August 11, 2016

PROPOSAL

BRC Wellington, LLC submitted a permit application on August 11, 2015 to recover coal from the existing Deer Creek Waste Rock Pile previously permitted under the Deer Creek Mine permit. This application is being made to provide a standalone permit that will be held under BRC Wellington, LLC and will be permitted under the name Bowie Waste Rock Site.

BACKGROUND

The waste rock pile was first permitted for use on September 13, 1988 by the Division of Oil, Gas and Mining (the "Division"). The original permit was issued to Utah Power and Light Company for disposal of waste rock generated at the Deer Creek Mine. The Deer Creek waste rock site has since been purchased by Bowie Refined Coal LLC ("BRC") for recovery of available coal. The site is located in sections 5 and 6, Township 17 South, Range 8 East, SLBM, immediately north of State Route 31 approximately 6 miles northwest of Huntington, Utah.

RECOMMENDATION

All of the information submitted by BRC Wellington, LLC, has been found adequate to approve the application for the Bowie Waste Rock Site. This permitting action was published in the Emery County Progress on October 6, 13, 20, & 27, 2015. No comments were received.

PERMITTING CHRONOLOGY

BRC Wellington, LLC
Bowie Waste Rock Site
C/015/0035
Emery County, Utah

August 11, 2016

August 11, 2015	BRC submits a permit application to the Division regarding plans to recover coal from the Deer Creek waste rock pile
September 21, 2015	The Division determines the application to be administratively complete
September 22, 2015	The Division notifies Federal, State and local agencies of the permit application
October 6, 13, 20 and 27, 2015	BRC published the Notice of Permit Application in the Emery County Progress for four consecutive weeks.
November 27, 2015	The comment period ends. No comments received.
September 25, 2015 February 8, 2016 June 27, 2016 August 10, 2016	BRC submits supplemental information in order to complete the application process
August 11, 2016	The Division approves the permit application.

FINDINGS


BRC Wellington, LLC
Bowie Waste Rock Site
C/015/0035
Emery County, Utah

August 11, 2016


1. The permit application for the Bowie Waste Rock Site is accurate and complete and all requirements of the Surface Mining Control and Reclamation Act, and the approved Utah State Program (the "Act") are in compliance. See Technical Analysis dated August 11, 2016 (R645-300-133.100)
2. The applicant proposes acceptable practices for the reclamation of disturbed lands. The Division has determined that reclamation, as required by the Act can be feasibly accomplished following the approved plan with the attached permit condition. The site will primarily be returned to its pre-mining land use as wildlife habitat. (R645-300-133.710)
3. An assessment of the probable cumulative impacts of all anticipated coal mining and reclamation activities in the general area on the hydrologic balance has been conducted by the Division and no significant impacts were identified. The Mining and Reclamation Plan (MRP) proposed under the revised application has been designed to prevent damage to the hydrologic balance in the permit area and in associated off-site area (R645-300-133.400 and UCA 40-10-11 (2)(c)).
4. The proposed lands to be included within the permit area are:
 - a. not included within an area designated unsuitable for underground coal mining operation (R645-300-133.220);
 - b. not within an area under study for designated land unsuitable for underground coal mining operations (R645-300-133.210);
 - c. not on any lands subject to the prohibitions or limitation of 30 CFR 761.11 {a} (national parks, etc), 761.11 {f} (public buildings, etc.) and 761.11 {g} (cemeteries);
 - d. is within 100 feet of a public road, however public notice and opportunity for a public hearing were provided in the newspaper notice, to determine whether the interests of the public were protected. No requests for a hearing were received (R645-300-133.220); and
 - e. not within 300 feet of any occupied dwelling (R645-300-133.220).

5. The operation would not affect the continued existence of any threatened or endangered species or result in the destruction or adverse modification of their critical habitats as determined under the Endangered Species Act of 1973. See Technical Analysis dated August 11, 2016 (16 USC 1531 et seq.) (R645-300-133.500).
6. The Division's issuance of a permit is in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800). See Technical Analysis dated August 11, 2016. (R645-300-133.600)
7. The site is located on lands that are entirely owned by BRC Wellington, LLC. Hence, no other right of entry is required. (R645-300-133.300)
8. A 510 (c) report has been run on the Applicant Violator System (AVS), which shows that neither BRC Wellington, LLC nor any affiliated company, are delinquent in payment of fees for the Abandoned Mine Reclamation Fund; and the applicant does not control and has not controlled mining operations with demonstrated pattern of willful violations of the Act of such nature, duration, and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act (A 510 (c) report was run on August 11, 2016, see memo to file dated August 11, 2016. (R645-300-133.730)
9. This operations to be performed under the permit will not be inconsistent with other operations anticipated to be performed in areas adjacent to the proposed permit area.
10. The applicant has provided a cost estimate for reclamation of the disturbance associated with the waste rock site. Prior to the permit being issued the Applicant will file with the Division a bond covering the identified increment of land within the permit area upon which the operator will conduct coal mining and reclamation operations. (R645-300-134, R645-301-820).
11. No lands designated as prime farmlands or alluvial valley floors occur on the permit area. See Technical Analysis dated August 11, 2016 (R645-302-313.100 and R645-302-321.100)
12. The proposed postmining land-use of the disturbed area is the same as the pre-mining land use and has been approved by the Division.
13. The Division has made all specific approvals required by the Act, the Cooperative Agreement.
14. All procedures for public participation required by the Act, and the approved Utah State Program are in compliance. The public advertisement was published on October 6, 13, 20, 27, 2016 in the Emery County Progress. (R645-300-120)

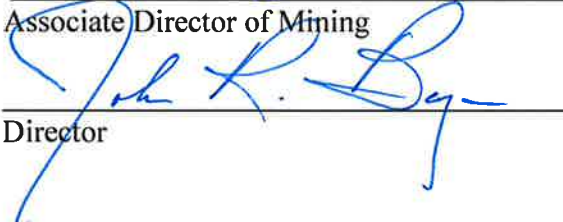
15. The applicant has demonstrated that all existing structures will comply with the applicable performance standards. (See Technical Analysis dated August 11, 2016) (R645-300-133.720).
16. BRC Wellington, LLC agrees to pay all reclamation fees as required by 30 CFR Part 870. (R645-300-133.730)



Permit Supervisor



Associate Director of Mining



Director

NON-FEDERAL

PERMIT
C/015/0035

August 11, 2016

**STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple, suite 1210
Salt Lake City, Utah 84114-1210
(801) 538-5340**

This permit, C/015/0035, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

**BRC Wellington, LLC
6100 Dutchmans Lane, Suite 900
Louisville, Kentucky 40205
(502) 584-6022**

for the Bowie Waste Rock Site. A Surety Bond is filed with the Division in the amount of \$686,000, payable to the State of Utah, Division of Oil, Gas and Mining and the United States Department of Interior, Office of Surface Mining Reclamation and Enforcement (OSM). The Division must receive a copy of this permit signed and dated by the permittee.

- Sec. 1 STATUTES AND REGULATIONS** - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act and the R645 regulations.
- Sec. 2 PERMIT AREA** - The permittee is authorized to conduct reclamation operations, on the following lands as described in the approved application, situated in the state of Utah, Emery County:

Township 17 South, Range 8 East, SLB&M Emery County, Utah

Section 6: Beginning at the Northeast corner of Section 6, Township 17 South, Range 8 East, SLB&M, and running thence S 89°52'00" W, 1272.00 feet along Section line; thence S 00°08'00" W, 610.00 feet; thence S 83°28'43" E, 302.04 feet; thence S 72°54'35" E, 314.08 feet; thence S 63°06'41" E, 224.51 feet; thence S 48°18'17" E, 268.40 feet; thence S 20°06'29" W, 1066.85 feet; thence S 39°24'03" W, 846.37 feet, more or less to the Northerly right-of-way of SR-31; thence N 89°39'06" E, 139.42 feet along said right-of-way; thence N 43°39'42" E, 1520.19 feet; thence N 31°02'18" E, 412.96 feet; thence N 22°58'45" E, 1322.25 feet to the North line of Section 5, Township 17 South, Range 8 East, SLB&M; thence 89°44'10" W, 744.58 feet along Section line to the point of beginning. Containing 49.05 acres more or less.

The permittee is authorized to conduct reclamation operations on the foregoing described property subject to the conditions of all applicable conditions, laws and regulations.

- Sec. 3 COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.
- Sec. 4 PERMIT TERM** - This permit expires on August 11, 2021.
- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the approval of the Division Director. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13{e} and R645-303-300.
- Sec. 6 RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the Division, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement (OSM), without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- (a) Have the rights of entry provided for in 30 CFR 840.12, R645-400-220, 30 CFR 842.13 and R645-400-110;
 - (b) Be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and R645-400-200 when the inspection is in response to an alleged violation reported to the Division by the private person.
- Sec. 7 SCOPE OF OPERATIONS** - The permittee shall conduct coal mining and reclamation operations only on those lands specifically designated as within the permit area on the maps submitted in the approved plan and approved for the term of the permit and which are subject to the performance bond.
- Sec. 8 ENVIRONMENTAL IMPACTS** - The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:
- (a) Any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance;
 - (b) Immediate implementation of measures necessary to comply; and
 - (c) Warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.
- Sec. 9 DISPOSAL OF POLLUTANTS** - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to

the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.

- Sec. 10 CONDUCT OF OPERATIONS** - The permittee shall conduct its operations:
- (a) In accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
 - (b) Utilizing methods specified as conditions of the permit by the Division in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.
- Sec. 11 EXISTING STRUCTURES** - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.
- Sec. 12 RECLAMATION FEE PAYMENTS** - The operator shall pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit, for sale, transfer or use.
- Sec. 13 AUTHORIZED AGENT** - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.
- Sec. 14 COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq,) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.
- Sec. 15 PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit area in accordance with the Act, the approved Utah State Program and the Federal Lands Program.
- Sec. 16 CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify the Division of Oil, Gas, and Mining. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by the Division within the time frame specified by the Division.
- Sec. 17 APPEALS** - The permittee shall have the right to appeal as provided for under R645-300-200.
- Sec. 18 SPECIAL CONDITIONS** - There are special conditions associated with this permitting action as described in attachment A.

The above conditions (Secs. 1-18) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them.

These conditions may be revised or amended, in writing, by the mutual consent of the Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any regulations.

THE STATE OF UTAH

By: _____

Date: _____

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

Authorized Representative of Permittee

Date: _____

Attachment A

SPECIAL CONDITIONS

1. BRC Wellington, LLC will submit water quality data for the Deer Creek Waste Rock Site in an electronic format through the Electronic Data Input web site, <http://linux3.ogm.utah.gov/cgi-bin/appx-ogm.cgi>.



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

September 21, 2015

Kyle Edwards, Resident Agent
BRC Wellington LLC
1865 West Ridge Road
Wellington, Utah 84542

Subject: Determination of Administrative Completeness, Bowie Waste Rock Site, BRC Wellington, LLC, C/015/0035, Task #4966

Dear Mr. Edwards:

The Division has completed a review of the information you submitted on August 11, 2015 for permitting the Deer Creek Waste Rock site. This application is considered to be administratively complete. A copy of our review worksheet is enclosed for your information and records.

A technical review of your plan has been initiated. Technical deficiencies will be forwarded to you as reviews are completed. The Division will also coordinate with other agencies and incorporate their comments into our review process. Issues raised will need to be resolved prior to permit issuance.

At this time you should publish a Notice of Complete Application for permitting the Deer Creek Waste Rock site as a separate mining operation as required by R645-300-121. A copy of the publication affidavit should be sent to the Division as soon as it is available. You should also insure that a copy of the application is on file at the appropriate County Courthouse. The Division will complete a technical analysis, which must find that your application is technically complete. We anticipate additional information may be necessary to make your application technically complete and look forward to working with you throughout the process.

Please call if you have any questions. Thank you for your help in the permitting process.

Sincerely,

Daron R. Haddock
Coal Program Manager

DRH/vs
Enclosure
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**ADMINISTRATIVE COMPLETENESS REVIEW WORKSHEET
(R645-100)**

DATE: September 21, 2015

REVIEWER(S): Suzanne Steab, Lisa Reinhart, Cheryl Parker, Daron Haddock, Priscilla Burton, Keenan Storrar

APPLICANT: BRC Wellington, LLC

MINE NAME: Bowie Waste Rock Site **FILE NO.:** Task ID #4966

"Administratively Complete Application" means an application for permit approval or approval for coal exploration, where required, which the Division determines to contain information addressing each application requirement of the State Program and to contain all information necessary to initiate processing and public review.

Directions: The categories listed below correspond to the minimum requirements for information necessary to initiate processing and public review. If a category is checked the Applicant has met the Completeness requirement for that category. If a category is not checked, the Completeness requirements have not been met. If a category is Not Applicable, enter NA in check box. The comments column will identify the deficiency and what is necessary to correct it.

Comments		
301-112	Identification of Interests <u>X</u>	
100	Applicant's Business Structure <u>X</u>	
210	Applicant's Name/Address/Phone <u>X</u>	
220	Resident Agent's Name/Address/Phone <u>X</u>	
230	Name/Address/Phone of AML Fees Payer <u>X</u>	
300	Corporate Structure & Ownership <u>X</u>	
400	Identify Other Mining Operations in US <u>X</u>	
500	Surface & Mineral Ownership <u>X</u>	
600	Ownership Contiguous to Permit <u>X</u>	
700	MSHA Numbers <u>X</u>	
800	Interest in Contiguous Lands <u>X</u>	

301-113	Violation Information	<u>X</u>	An AVS Report was generated on BRC Wellington, LLC on 9/2/15. No violations were listed in the AVS System. However, BRC Wellington, LLC does have an outstanding fine with the Division for NOV #13155 issued on 11/13/14 to C/007/0045 for \$506.
100	Suspension or Revocation Information	<u>X</u>	
300	List of Violations - 3 Previous Years	<u>X</u>	

301-114	Right of Entry	<u>X</u>	
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301-115	Status of Unsuitability Claims	<u>X</u>	
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301-116	Permit Term	<u>X</u>	
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301-117	Insurance	<u>X</u>	<p>A Certificate of Liability Insurance Form is provided for the Insured Bowie Refined Coal, LLC but will need to be updated to reflect the Description of Operations as Bowie Waste Rock Site C/015/0035 and the Certificate Holder as the Division of Oil, Gas & Mining.</p> <p>A proposed public notice has been included on page 1-7 of the application. An affidavit will be provided after publication.</p>
	Proof of Publication	<u>X</u>	
	Facilities and Structures Used in Common	<u>NA</u>	

301-118	Filing Fee	<u>NA</u>	
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301-123	Notarized Signature of Responsible Official	<u>X</u>	
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301-130	Information Collection: Technical Data Accompanied by Names of Persons or Organizations that Collected and Analyzed the Data - Dates of Collections - and Analysis of the Data and Description of the Methodology Used to Collect and Analyze Data	<u>X</u>	
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301-200	Soils	<u>X</u>	
211	Description of Pre-mining Soil Resources	<u>X</u>	
221	Prime Farmland Investigation	<u>X</u>	App 2-1
222	Soil Survey	<u>X</u>	App 2-2 and Fig 2-1
224	Substitute Topsoil Info (When Proposed)	<u>NA</u>	
230	Operation Plan Topsoil Handling/Removal/Storage	<u>X</u>	Plate 2-1, Section 2.3.1 through Section 2.3.2 and Sec 2.3.4
240	Reclamation Plan Soil Redistribution/Stabilization	<u>X</u>	Section 2.40 and App. 3-2

301-300	Biology	<u>X</u>	
320	Vegetation Information	<u>X</u>	Vegetation is discussed in Section 3.20 on page 3-2 Appendix 3-1 contains a vegetation survey of the permit area. This survey is from June 1987 and will need to be updated prior to approval. Appendix 3-2 contains a comparison of vegetation of the Deer Creek Waste Rock Access Road vs. Reference Area.
322	Fish and Wildlife Information	<u>X</u>	Fish and wildlife are discussed in Section 3.2.2 on page 3-4 through 3-8
323	Maps/Photos Vegetation-Fish-Wildlife Areas	<u>x</u>	Plate 3-1 is a vegetation map, plate 3-2 is a wildlife habitat map,
330	Operation Plan Vegetation-Fish-Wildlife Protection	<u>X</u>	The operation plan is described in section 3.3 on page 3-6.

341	Reclamation Plan for Revegetation	<u>X</u>	The reclamation plan is described in section 3.40 on page 3-6
342	Fish & Wildlife Plan for Reclamation Phase	<u>X</u>	Protection and enhancement measures are described in section 3.4.2 on page 3-8 and 3-9

301-400	Land Use and Air Quality	<u>x</u>	Land use is described in 4.10 on page 4-1. Air Quality is discussed in section 4.20 starting on page 4-5
411	Pre-Mining Land Use Information (Includes Cultural Resources)	<u>X</u>	Summary report of cultural resources antiquities permit 87-UT-54937 is located in Appendix 4-2. A map is provided on page 10-4 (184/435)
412	Post-Mining Land Use Information	<u>X</u>	Post Mining land use is described in 4.1.2.1 starting on page 4-3 through 4-4

301-500	Engineering	<u>X</u>	The Permit application appears to address the relevant engineering R645-301-500 rules, see discussion below
510 520	General Description of Operation Plan (Maps, Locations, Cross-Sections, Narrative, Descriptions & Calculations)	<u>X</u>	The Permit contains the proposed coal mining and reclamation operations with attendant maps, plans, and cross section in Chapter 5, Appendices 5-1 through 5-3, and Plates 5-1 through 5-3. Section 5.1.2 details the various certification requirements that met R645-301-512 requirements. The Permit contains text detailing MSHA approvals for relevant impoundments and capping openings for R645-301-513. Text is present describing how inspection will be conducted as stated in R645-301-514 on the impoundments and waste rock pile. The Permit includes text detailing the reporting and emergency procedure for slides, impoundments, and temporary cessation for R645-301-515.210 requirements in Section 5.1.5. Section 5.20 details operations including plans with maps, cross sections, narratives, and calculations indicating how the relevant requirements of R645-301-20 are applied.
522	Coal Recovery Description	<u>X</u>	The application includes text in section 5.2.2 that appears to address R645-301-522 coal recovery rules.
523	Mining Methods	<u>X</u>	The application includes text in Section 5.2.3 that appears to address R645-301-523 mining rules.
524	Blasting and Explosives Plan	<u>X</u>	The application includes text in Section 5.2.4 that appears to address R645-301-524 blasting regulations.

525	Subsidence Control Plan	<u>X</u>	The application includes text in Section 5.2.5 that appears to address R645-301-525 subsidence regulations.
526	Mine Facilities Description (Narrative, Plans, Maps) Including Existing Structures & Support Facilities	<u>X</u>	The application includes text in Section 5.2.6 that appears to address R645-301-526 describing mine facilities.
527	Transportation Facilities (Including Plans & Maps)	<u>X</u>	The application includes text in Section 5.2.7 that appears to address R645-301-527 transportation facilities regulations.
528	Coal Mine Waste Plans (Description & Designs)	<u>X</u>	The application includes text in Section 5.2.8 that appears to address R645-301-528 handling and disposal of coal and coal mine waste regulations.
529	Management of Mine Openings (Design)	<u>X</u>	The application includes text in Section 5.2.9 that appears to address the management of mine openings according to R645-301-529 regulations.
531	General Plans for Structures	<u>X</u>	The application includes section 5.3.0 and 5.3.1 detailing the general operational design criteria and plans of the Bowie waste rock site.
532	Sediment Control	<u>X</u>	The application includes Section 5.3.2 that appears to address R645-301-532 sediment controls.
533	Impoundments	<u>X</u>	The application includes section 5.3.3 that appears to address R645-301-533 impoundments.

301-534	Roads (Plans, Drawings, Designs, & Specifications)	<u>X</u>	The application includes Section 5.3.4 that appears to address R645-301-534 road operational design and controls.
535	Spoil	<u>X</u>	NA R645-301-535 does not apply due to no spoil generated in the permit area.
536	Coal Mine Waste	<u>X</u>	The application includes Section 5.3.6 detail information required in R645-301-536 coal mine waste.
537	Regraded Slopes	<u>X</u>	R645-301-537 NA
540 541-542	Reclamation Narrative, Maps and Plans	<u>X</u>	The application includes Section 5.4, 5.4.1 and 5.4.2 that detail the general reclamation plan for the Bowie Waste Rock Site with a narrative and relevant Plates 5-1 through 5-3.
551	Casing and Sealing Underground Openings	X	The application includes Section 5.5 that appears to address reclamation design criteria relevant to casing and sealing and permanent features as required in R645-301-550.

553	Backfilling and Grading Description	<u>X</u>	The application includes Section 5.5.3 that appears to address the backfilling and grading of the Bowie Waste Rock site as required by R645-301-553.
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301-600	Geology	<u>X</u>	
621	Description of Geology (Permit & Adjacent Area)	<u>X</u>	Section 6.2.4 contains the Geologic information for the permit and adjacent area. Information is limited because this is a waste rock site built primarily on Mancos shale and alluvium. No coal seam is located or planned for mining in this area.
622	Geologic Cross-Sections, Maps, and Plans	<u>X</u>	Figure 6-1 is an Area Geologic Map and stratigraphic section of the Waste Rock area.
630	Plans for Casing and Sealing Holes	<u>X</u>	No exploration holes are planned to be drilled in the permit area.

301-700	Hydrology	<u>X</u>	See hydrology Findings below.
721	Description of Hydrologic Resources (Permit and Adjacent Area)	<u>X</u>	The application provides a description of surface and groundwater resources in the permit area in section 7.2.2.1.
722	Cross-Sections and Maps Subsurface Water - Surface Water - Monitoring Stations - Wells	<u>X</u>	The application provides a generalized cross-section of the hydrologic resources and a plan view map.
723	Sampling and Analysis	<u>X</u>	The application provides a sampling schedule in section 7.2.3.
724	Baseline Information Ground Water - Surface Water - Geology - Climatological & Supplemental; If Needed	<u>X</u>	In section 7.2.4 the application provides an analysis of 25 years of baseline data from the monitoring well and a narrative of the surface and groundwater resources.
728	PHC Determination	<u>X</u>	The application provides a determination of the Probable Hydrologic Consequences in section 7.2.8.
730	General Operation Plan Minimize Disturbance to Hydrologic Balance & Compliance with Clean Water Act	<u>X</u>	Section 7.3.1 provides a commitment to protecting the hydrologic balance during active operations.
731	Ground and Surface Water Protection	<u>X</u>	Groundwater and surface water protection plans are outlined in section 7.3.1.1.
732	Sediment Control Measures	<u>X</u>	The Permittee will use diversions, siltation structures, and a sediment pond to control and contain sediment runoff in the permit area.

301-740	Plans and Designs Operation and Reclamation Plan Sediment Control Measures	<u>X</u>	The application provides a plan to retain sediment within the disturbed area.
	Siltation Structures	<u>X</u>	The application gives an outline of the siltation structures that will be used at the waste rock site.
	Sediment Ponds	<u>X</u>	The application provides a narrative and calculations for the pond design in section 7.4.2.2.
	Other Treatment Facilities	<u>X</u>	No other treatment facilities are planned for the site.
	Diversions	<u>X</u>	Section 7.4.2.3 in the application provides a detailed narrative of disturbed and undisturbed diversions that will be used at the site.
	Road Drainage	<u>X</u>	The application provides a plan for road drainage in section 7.4.2.4.
	Impoundments	<u>X</u>	Information regarding the sediment impoundment is found in Sections 7.3.2.2 and 7.4.2.2.
	Discharge Structures	<u>X</u>	A narrative is provided for the discharge structures in Section 7.4.4.
	Disposal of Excess Spoil	<u>X</u>	No excess spoil will be generated at the site.
	Coal Mine Waste	<u>X</u>	The application outlines the plan for dealing with waste rock in Section 7.4.6.1.
	Disposal of Non-Coal Mine Waste	<u>X</u>	Section 5.2.8.3 provides a discussion of non-coal mine waste.
	Casing and Sealing of Wells	<u>X</u>	The well will be reclaimed according to R645-301-765 as stated in Section 7.5.4.

301-800	Bonding and Insurance	<u>X</u>	The application appears to address the minimum requirements of R645-301-800
820	Applicant Have Adequate Bond at Permit Issuance	<u>X</u>	Bowie Resources currently maintains bonds for their other properties through Ironshore Indemnity Inc.
830	Bond Estimate and Calculations Provided	<u>X</u>	The application appears to address the R645-301-830 rules of providing a bond estimate
890	Certificate of Insurance Provided	<u>X</u>	Appendix 1-2 includes a certificate of Insurance applicable to the Deer Creek Site.

302-200	Special Categories of Mining	<u>NA</u>	
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210	Experimental Practices Mining	<u>NA</u>	
220	Mountaintop Removal Mining	<u>NA</u>	
230	Steep Slope Mining	<u>NA</u>	
240	Auger Mining	<u>NA</u>	
250	In Situ Processing Activities	<u>NA</u>	

302-260	Coal Processing Plants (Not Located Within Permit Area of Mine)	<u>X</u>	The coal materials mined from the refuse pile will be taken to the Bowie Dry Coal Cleaning facility which is a SMCRA permitted site.
270	Variances From Approximate Original Contour Restoration Requirements	<u>X</u>	Appendix 5-2 presents the variance request.
280	Variances for Delay in Contemporaneous Reclamation Requirement in Combined Surface and Underground Coal Mining Activities	<u>NA</u>	
290	Small Operator Assistance Program (SOAP)	<u>NA</u>	

302-300	Special Areas of Mining	<u>NA</u>	
301	Prime Farmland	<u>NA</u>	
302	Alluvial Valley Floors	<u>NA</u>	

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State of Utah
DEPARTMENT OF NATURAL RESOURCES
MICHAEL R. STYLER
Executive Director
Division of Oil, Gas and Mining
JOHN R. BAZA
Division Director

Technical Analysis and Findings

Utah Coal Regulatory Program

August 11, 2016

PID: C0150035
TaskID: 4966
Mine Name: BOWIE WASTE ROCK SITE
Title: PERMIT APPLICATION

General Contents

Identification of Interest

Analysis:

The application meets the State of Utah requirements for R645-301-112 Identification of Interest.

The applicant has submitted the Business Entity information, Applicant & Operator and Officer & Director information on pages 1-2 and 1-3 of the application. All required information was submitted. An AVS Evaluation was generated on September 2, 2015 with the ownership information provided. There were no violations listed in the system. The application information did not conflict with existing information listed in the AVS system.

ssteab

Violation Information

Analysis:

The application meets the State of Utah requirements for R645-301-113, Violation Information.

As outlined on page 1-6 and on the Table 1-2 Affiliated Notes of Violation (page 1-11) on the application, neither BRC Wellington, LLC nor any stockholder having interest in the Waste Rock Site have had a State or Federal mining permit suspended or revoked in the five years preceding the date of submission of this application or have forfeited a performance bond or similar security deposited in lieu of bond revoked.

ssteab

Right of Entry

Analysis:

The application meets the State of Utah requirements for R645-301-114, Right of Entry Information.

The site is located on lands that are entirely owned by BRC Wellington, LLC (as outlined in Appendix 1-1). Therefore, no other right of entry is required.

ssteab

Legal Description

Analysis:

The application meets the State of Utah requirements for R645-301-115, Legal Description.

The applicant submitted updated pages on September 25, 2015 (pages 1-5, 1-7 and 1-9).

The legal description accurately describes the entire 49.05 acre parcel included within the permit area as described on updated page 1-9 and also located in Appendix 1-1 Asset Purchase and Sale Agreement, Schedule 5 (Real Property).

ssteab

Permit Term

Analysis:

The application meets the State of Utah requirements for R645-301-116, Permit Term.

The application describes and identifies the lands subject to coal mining operations. It is anticipated that the Applicant will operate at the site for a period of less than 5 years.

ssteab

Public Notice and Comment

Analysis:

The application meets the State of Utah requirements for R645-301-117, Public Notice and Comment.

The applicant provide a proposed public notice (page 1-7). The application was determined administratively complete on September 21, 2015 and was given approval to publish as required by R645-300-121. A copy of the affidavit is required to be submitted to the Division as soon as it becomes available.

The Division notified in writing local governmental agencies and all Federal or State governmental agencies involved in or with an interest in the permit process on September 22, 2015.

ssteab

Filing Fee

Analysis:

A filing fee is not required, therefore R645-301-118 is not applicable.

ssteab

Permit Application Format and Contents

Analysis:

The application meets the State of Utah requirements for R645-301-120, Permit Application Format and Contents.

The application submitted by BRC Wellington, LLC contains current information which is clear and concise and follows the format required by the Division.

ssteab

Permit Application Format and Contents

Analysis:

The application meets the requirements of R645-301-120 for Application format and content. The Bowie Waste Rock site is actually already permitted under Permit C0150018 Deer Creek Mine. Because the waste rock is to be mined by a different entity, the site is being separated from the Deer Creek Mine permit and will have its own stand alone permit. An application to permit the site as a stand alone permit was submitted on August 11, 2015 and it was determined to be administratively completed on September 21, 2015. The application addresses each section of the rules as a stand alone application.

dhaddock

Completeness

Analysis:

The application meets the requirement of R645-301-150. The Division determined the application to be administratively complete on September 21, 2015. This site was previously permitted under the Deer Creek Mine permit C0150018 and continues to meet the regulatory requirements for a permit. The application is being made to provide for a stand alone permit that will be held under BRC Wellington, Inc.

dhaddock

Environmental Resource Information

General

Analysis:

The amendment meets the State of Utah R645 requirements for Reclamation Activities.

The application meets the requirements of R645-301-541.200 and R645-301-553 in the narrative of Section 5.4.2.2 which details the backfilling and grading of the waste rock site at final reclamation. See the backfill and grading analysis for further details.

cparker

Permit Area

Analysis:

The amendment meets the State of Utah R645 requirements for the Permit Area.

The amendment meets the minimum requirements of R645-301-521.140 due to information stated in the mine plan details and plates which match the provided legal description of the mine boundary. The MRP includes narrative and drawings that detail the permit area within Chapter 5 and Plate 5-1.

cparker

Historic and Archeological Resource Information

Analysis:

The amendment meets the State of Utah R645-301-411.140 requirements for cultural and historic resources information.

Section 4.1.1.1 on page 4-2 provides a narrative that describes the absence of cultural and historic resources listed or eligible for listing in the National Register of Historic Places within the permit area. A summary report of cultural resources antiquities permit 87-UT-54937 is located in Appendix 4-2 with a map on page 10-4.

There are no public parks or cemeteries within 100 feet of the permit area and there are no National System of Trails or Wild and Scenic Rivers in the permit or adjacent area.

Coordination with the State Historic Preservation Officer (SHPO) is evidenced by letter dated August 1, 1988 from The Division of State History and includes concurrence on National Register of Historic Places eligibility findings. No cultural sites were found, and therefore an MOU or Mitigation Plan is not recommended in accordance with R645-301-411.144.

lreinhart

Climatological Resource Information

Analysis:

The amendment meets the State of Utah R645 requirements for Climatological Information.

The average precipitation and temperature for the area are provided. Graphs and tables of the data are given in Appendix 7-4.

kstorar

Vegetation Resource Information

Analysis:

The amendment meets the State of Utah R645-301-321 requirements for vegetation resource information.

Vegetation resource information is located in Section 3.20 on pages 3-2 and 3-3. Appendix 3-1 is a vegetation survey that was originally prepared for Deer Creek in June 1978. Although a significant amount of time has passed since the survey was done, it contains baseline information regarding the plant communities and provides reference areas. The information is adequate to predict the potential for reestablishing vegetation and includes productivity measurements on disturbed land.

Ireinhardt

Fish and Wildlife Resource Information

Analysis:

The amendment meets the State of Utah R645-301-322 requirements for fish and wildlife resource information.

Based on data provided by the Utah National Heritage Program of the Utah Division of Wildlife Resources, the Division has determined the following sensitive species occur in the project vicinity and therefore must be analyzed. Site specific species include Ferruginous Hawk, Colorado Cutthroat Trout, and Western Toad.

The statement on page 3-5, indicates information maintained by the Utah Conservation Data Center was evaluated and includes rationale used to determine each species listed by the U.S. Fish and Wildlife Service, or Utah Division of Wildlife does not have habitat on the permit area and therefore does not require protection measures.

The U.S. Fish and Wildlife Information for Planning and Conservation website was used to generate a list of Threatened, Endangered, or Candidate species in accordance with Section 7 of the Endangered Species Act and informal consultation occurred on 11/10/2015, consultation code 06E23000-2016-SLI-0037. This fulfills requirements under section 7 of the Endangered Species Act. None of the federal or state listed species are known to occur in the project area and their habitat does not exist within the project area boundaries but a narrative on such evaluation is not provided. The Division has determined that approval of this amendment would not affect a listed species or designated critical habitat and therefore the Division did not initiate formational consultation with U.S. Fish and Wildlife Service.

The permit area is not within a Sage-grouse Management Area and therefore consultation with Utah Division of Wildlife pursuant to the Governors Executive Order and MOU between DOGM, PLPCO, and DWR is not required.

The nearest known raptor nest is approximately 1.3 miles northeast of the site. Golden Eagles have been observed in flight. Since no mining is to occur and no new disturbance will occur, the potential for subsidence or destruction of a nest is eliminated. Any future sightings of Golden Eagles would be a sign of acceptance of any disturbing activities that may be in effect.

There are no perennial and intermittent surface waters and therefore, any impacts to fish would be from water depletions occurring from operations. As such, the Permittee calculated water depletion rates from dust suppression to be a total of 1.92 A.F. Therefore, depletion rates are under the required amount (100 AF annual) as required by the Colorado Fish Recovery Program and a fee to said program is not required.

Ireinhardt

Soils Resource Information

Analysis:

The application meets the requirements of R645-301-220, Environmental Description.

Within the 49.05 acre permit area (boundary shown on 5-1) there are two soil map units: Gerst and Strych. Chapter 2 provides a summary of the soil survey which is provided in Appendix 2-1. The soil survey is from the NRCS Web Soil Survey site. Figure 1-1 is the corresponding soils map. Soils are predominantly Gerst/Strych/Badland soils derived from Mancos Shale on colluvial slopes. Example profiles are provided in Section 2.2.2.3 for Gerst and Strych soil types. Depth to bedrock for the Gerst soil averages about two feet. Average annual precipitation is 10 inches distributed evenly

throughout the year, with a slight increase in July - October. Elevation is above 6,000 feet. Slopes range from 2 to 70 percent.

Order 1 sample data is provided in Appendix 2-2. Samples were taken in April 1981. Sample locations are shown on Plate 2-1. There were some very high EC and SAR values encountered.

Soil productivity for the Semi-Desert Shallow Loam (Utah Juniper-Pinyon) range site is listed as 63 lbs/ac in a favorable year and 44 lbs /ac in a normal year and only 19 lbs/ac in an unfavorable year (Section 2.2.2.4). Productivity is dependent on soil moisture and the soil is dry 50 - 65% of the time when the soil temperature is greater than 41 degrees F (App. 2-1). Vegetation is black sagebrush, shadscale, bluegrass, Utah juniper and pinyon.

There is no prime farmland in this location. There were fruit orchards at the mouth of Huntington Canyon years ago, however.

pburton

Land Use Resource Information

Analysis:

The amendment meets the State of Utah R645-301-411 requirements for land use information.

In Section 4.10 on pages, 4-1 and 4-2 premining land-use is described as wildlife habitat and zoned for mining and grazing. Soils in the permit area limits plant production capability and restrict use to recreational purposes, wildlife habitat, watershed, or aesthetic purposes.

Land use classification under Emery County Zoning is shown on a map provided as Appendix 4-1.

Irrehart

Geologic Resource Information

Analysis:

The application meets the minimum requirements for Environmental Resource Information required under R645-301-623. This site was previously permitted under Pacificorp. The new owner Bowie Refined Coal is now wanting to excise the waste rock site from the Deer Creek Permit and then recover the waste coal and process it through their dry coal cleaning facility. The Environmental Resource information necessary to permit this site was previously collected by Energy West. Energy West (the previous owner of the site) evaluated data collected from over 130 outcrop and core samples to assess the potential acid- or toxic-forming characteristics of the waste rock that was disposed of at the site. These data are summarized in this current application and found in Appendix 6-1.

Comparison of these data with guidelines published by the Division of Oil, Gas and Mining indicates the following:

1. The pH of the waste rock is moderately alkaline and should not hinder reclamation.
2. The electrical conductivity of the waste rock is less than 4 mu/cm and should, therefore, not hinder reclamation.
3. The sodium adsorption ratio of the waste rock is generally less than 4, indicating that this factor should not hinder site reclamation.
4. The boron concentration of the waste rock is less than 5 m/kg, indicating that concentrations of this element should not hinder site reclamation.

The soluble selenium concentration sampled was 0.098 mg/kg, which is an acceptable concentration according to the Division guideline. The calcium carbonate concentration of the sample was 26.3%. This, together with the alkaline nature of the rock, suggests that the acid/base potential of the waste rock is acceptable. These data, taken together, indicate that the waste rock from which the coal will be recovered is neither acid- nor toxic forming.

Since no mining other than waste rock recovery will occur at the site, no subsidence control program has been prepared.

The Geology and Stratigraphy of the Waste Rock site is shown in Figure 6-1. There are essentially three geological units present at the surface of the Waste Rock site. 1) the Masuk Member of the Cretaceous formation covers the majority of the Waste Rock site itself. 2) The Quaternary age alluvium that is just to the south of the waste rock site, and 3) The Quaternary age pediment mantle that is found just to the east of the permit area.

The Bowie Waste Rock site is located near the mouth of Huntington Canyon, about 6 miles northwest

of the town of Huntington, Utah. The site is located on the southern flank of Gentry Mountain just south of Wild Horse Ridge. Rocks exposed in the area are marine-derived mudstones in the lower portion of the Masuk Member of the Mancos Shale. The Masuk Shale on the bench which adjoins the site on the east and west is covered by a 5- to 20- foot thick layer of terrace gravel of Quaternary age. North-south trending normal faults have disrupted the strata in the region. However, no faults are known to exist within the permit area.

Stratigraphy. The oldest rocks exposed in the region are part of the marine Mancos sequence deposited in Late Cretaceous time. This formation contains several alternating units of off-shore marine mudstones near-shore marine sandstones. The upper unit of the Mancos is the Masuk Member, which underlies the surface of the site. The Masuk Member consists of shale and shaly siltstone that is thin to medium bedded with a few thin interlayered sandstone beds. The Masuk Member is generally devoid of significant water.

The benches on the west and east sides of the permit area are covered by a Quaternary pediment mantle. These materials are highly variable, of fluvial origin, and consist of a poorly bedded mixture of silt, sand, pebbles, cobbles, and boulders derived from adjacent uplands. In the vicinity of the permit areas, these materials are generally 5 to 20 feet thick.

Structure. The strata in the permit area dip west-northwest at an angle of 2 to 3 degrees into the Straight Canyon Syncline. The nearest known fault to this area plotted by Witkind et al. (1987) is located approximately 2 miles to the west. No faults are known to exist in the permit area. Regionally, the strata contain vertical joints trending in both a northwest and northeast direction. It is hard to identify jointing in the weathered Masuk shale outcrops, but in fresh cuts the joints appear to be wide spaced. Very limited amounts of ground water migrate down these fractures because the clays present in the rock swell when in contact with water, thus sealing the fractures.

dhaddock

Hydro Baseline Information

Analysis:

The amendment meets the State of Utah R645 requirements for Baseline Information.

The amendment provides a background on the quantity and quality of groundwater within the permit area. Only ephemeral waters drain from the permit area to Huntington Creek.

kstorrrar

Probable Hydrologic Consequences Determination

Analysis:

The amendment meets the State of Utah R645 requirements for Probable Hydrologic Consequences Determination.

The amendment provides a narrative and additional Appendices addressing potential impacts to the hydrologic balance. Sediment will be contained and treated on site by either the sediment pond or by silt fences. These runoff controls will minimize impacts to surface and groundwater adjacent to the permit area. On site fueling may take place and the amendment outlines how any leaks and/or spillage will be handled.

kstorrrar

Maps Affected Area Boundary Maps

Analysis:

The amendment meets the State of Utah R645 requirements for Affected Area Boundary Maps.

The amendment meets the minimum requirements of R645-301-521.100 through-521.130 by updating all the relevant maps for the entire area shown on the mine plan as detailed on Plate 5-1.

The amendment meets the minimum requirements of R645-301-521.110. R645-301-521.110 requires previously mined areas to be shown a typical cross section and plan view of the permit area on Plate 5-1.

Maps Existing Structures and Facilities

Analysis:

The amendment meets the State of Utah R645 requirements for Existing Structures and Facilities Maps.

The amendment meets the minimum requirements of R645-301-521.120 which require a map clearly showing the location of all building in and within a 1000 ft of the proposed permit area, along with identifying the current use of said building. The amendment included a minor narrative in Chapter 5, Section 5.1.2.1 detailing the existing surface features. The topography detailed on Plate 5-1 was generated from a September 2014 survey of the site.

Narrative in Chapter 5 Section 5.2.1.1 details that the location of buildings and public roads located within 1,000 feet of the permit boundary are shown on Figure 5-1. Said figure shows a house, several farm buildings. Figure 5-1 does disclose enough information of the current use of buildings.

cparker

Maps Existing Surface Configuration

Analysis:

The amendment meets the State of Utah R645 requirements for Existing Surface Configuration Maps.

The amendment meets the minimum requirements of R645-301-521.150 as it includes a drawing or plate that clearly calls out the existing surface. Narrative within the MRP Chapter 5 Section 5.1.2.1 states that the topography noted on Plate 5-1 is based on a survey of the site conducted in September 2014. No additional waste has been placed at the since the survey

cparker

Maps Mine Working

Analysis:

The amendment meets the State of Utah R645 requirements for Mine Workings Maps.

The amendment meets the minimum requirement of R645-301-521.140 which require maps that clearly show all mine plans. The Site does not have any mine workings under the waste rock to show and Plate 5.1 shows the existing surface configuration.

cparker

Maps Permit Area Boundary

Analysis:

The amendment meets the State of Utah R645 requirements for the Permit area and Boundary maps.

The amendment meets the minimum requirements of R645-301-521.140 as Drawings were updated within the amendment to detail the new permit boundary, lease boundary, and adjacent areas to the current mine plan. Plate 5-1 details the Permit area with existing topography to meet the boundary map requirements. Plate 5-2 clearly shows the permit boundary and adjacent area.

cparker

Maps Subsurface Water Resources

Analysis:

The amendment meets the State of Utah R645 requirements for Subsurface Water Resources Map. A cross-section of the recharge source and location of groundwater within and adjacent to the permit area is provided.

kstorrar

Maps Surface and Subsurface Manmade Features

Analysis:

The amendment meets the State of Utah R645 requirements for preexisting Surface and Subsurface Manmade features maps.

The amendment meets the minimum requirement of R645-301-521.122 as it includes a drawing or plate that clearly calls out the existing surface and subsurface man made features within, passing through, or passing over the permit area. R645-301-521.120 through-521.125 requires maps to clearly show existing surface and subsurface facilities. Chapter 5 Section 521.122 details existing surface and subsurface facilities within, passing through, or over the permit area.

The amendment meets the minimum requirements of R645-301-521.123 by including Plate 5-1 which shows the public road, State route 31 is located with 100 feet of the permit boundary. No coal recovery operations will be conducted within 100 feet of a public road.

The amendment meets the minimum requirements of R645-301-521.124. Regulations required the location and size of existing areas of impoundments, water treatment facilities, and coal development waste. The narrative on page 5-9 of Section 5.2.1.1 calls out the location and size of the existing diversion ditches and waste rock pile detailed on Plate 5-1.

The amendment meets the minimum requirements of R645-301-521.125 by detailing the location of the sedimentation pond and detailing that no permanent water impoundments, coal processing waste banks, and coal processing waste dams/embankments exist within the permit area.

cparker

Maps Surface and Subsurface Ownershiip

Analysis:

The amendment meets the State of Utah R645 requirements for Surface and Subsurface Ownership Maps.

The amendment meets the minimum requirements of R645-301-521.130 which requires landowners, right of entry, and public interest maps as updated within the amendment on Plate 5-2 and Chapter 5 Section 5.2.1.1. Additional information such as warranty deeds are provided within Appendix 1-1. The permit area consists of approximately 49.05 acres and no Federal or State land exists within the permit area.

cparker

Maps Surface Water Resource

Analysis:

The amendment meets the State of Utah R645 requirements for Surface Water Resources Map. A map of surface water resources within and adjacent to the permit area is provided.

kstorrar

Maps Vegetation Reference Area

Analysis:

The amendment meets the State of Utah R645-301-323 requirements for maps and aerial photographs.

The results of vegetation and wildlife surveys in the permit area are provided on Plates 3-1 and 3-2, respectively. The permit area and location of the reference area for determining revegetation success is shown on Plate 3-1. This map also shows the general pre-disturbance boundaries of plant communities and vegetation sample areas. No monitoring stations have been established to gather data for fish and wildlife or any special habitat features since none are known to exist.

Ireinhart

Operation Plan

Mining Operations and Facilities

Analysis:

The amendment meets all the State of Utah R645 requirements for Mining Operations and Facilities.

The amendment meets the minimum requirements of R645-301-523, -526, and 528 by addressing

The amendment meets the minimum requirements of R645-301-523 by including a description of the mining operation, method of coal mining, engineering techniques, anticipated annual and total production of coal by tonnage, and major equipment to be used for all aspects of those operations proposed to be conducted during the life. The narrative within Chapter 5 Section 5.1.2.1 states that coal mining of the waste rock site will be conducted. Specific details of rejected coal mine waste are detailed in Section 5.2.2 and final reclamation and placement of waste are detailed in Sections 5.2.8.3 and 5.3.6. Upon final mining operations the waste will be compacted and buried as per R645 regulations detailed in Section 5.4.22.

cparker

Existing Structures

Analysis:

The amendment meets the State of Utah R645 requirements for Existing Structures.

The amendment meets the minimum requirements of R645-301-526 by providing updated information to include the discussion of the existing buildings associated with the Site. The narrative of Section 5.2.6.1 details that no permanent structures are present at the site at the time of the amendment submittal.

The amendment meets the minimum requirements of R645-301-526.200 by detailing no known existing utilities within the permit area in Section 5.2.1.1 and Section 5.2.6.2. Chapter 5 section 5.2.6.2 narrative details that temporary utilities will be utilized at the site with no permanent utilities developed.

The amendment meets the minimum requirements of R645-301-526.400 by stating in Section 5.2.6.1 that all equipment will be operated in accordance with manufacturer's recommendations and permits issued by DOGM and the Utah Division of Air Quality.

cparker

Relocation or Use of Public Roads

Analysis:

The amendment meets the State of Utah R645 requirements for the Relocation or Use of Public Roads.

The amendment meets the minimum requirements of R645-301-521.133 due to information detailing measure to be used such as a general mining method that will be employed under or within 100 ft of public roads to protect interest of the public. The amendment meets the minimum requirements of R645-301-521.133 due to no relocation of a public road or mining operations existing within 100 feet of public road.

cparker

Air Pollution Control Plan

Analysis:

The application meets the requirements for R645-301-420, R645-301-421, R645-301-422, because the Notice of Intent regarding operation of a crusher and diesel engine at the site was approved by the Utah Division of Air Quality on March 16, 2016 (DAQC-286-16 found in Appendix 4.4). Stipulations on the approval state that the equipment may be used for 180 operational days/year not to exceed 365 consecutive days. Approval was also subject to a dust control plan (found in Sections 4.4.4 and Section 4.2.3 of the MRP) and to the Wheeler Machinery Company Approval Order DAQE-AN1423900100-15 dated April 8, 2015. The approval order is also subject to production limits.

Air Pollution Control Plan

Analysis:

The amendment meets the State of Utah R645-301-422 requirements for the air pollution control plan.

Evidence of coordination and compliance efforts with the Utah Division of Air Quality is noted in Section 4.2.2 on page 4-5 and Appendix 4-4. Controls to be implemented at the site to suppress dust consist of watering roadways, material-handling operations, and loading operations. Storage piles will also be sprayed with water as necessary to minimize dust emissions.

lreinhart

Coal Recovery

Analysis:

The amendment meets the State of Utah R645-301-525.130 requirements for Subsidence Control Plan with a renewable resources survey.

The minimum requirements of R645-301-521.140 are met in the amendment Section 5.2.1.1 and Section 5.2.5 detail the no underground mining will occur at this site.

The minimum requirements of R645-301-525.130 are met in the amendment Section 5.2.1.1 details the no underground mining will occur at this site.

cparker

Subsidence Control Plan Renewable Resource

Analysis:

The amendment meets the State of Utah R645-301-525.130 requirements for Subsidence Control Plan with a renewable resources survey.

The minimum requirements of R645-301-521.140 are met in the amendment Section 5.2.1.1 and Section 5.2.5 detail the no underground mining will occur at this site.

The minimum requirements of R645-301-525.130 are met in the amendment Section 5.2.1.1 details the no underground mining will occur at this site.

cparker

Subsidence Control Plan Subsidence

Analysis:

The amendment meets the State of Utah R645-301-525.400 requirements for Subsidence Control Plan.

The minimum requirements of R645-301-525.400 are met in the amendment Section 5.2.1.1 and Section 5.2.5 detail the no underground mining will occur at this site.

cparker

Subsidence Control Plan Performance STD

Analysis:

The amendment meets the State of Utah R645-301-525.700 requirements for Public Notice of Proposed Mining.

The minimum requirements of R645-301-525.700 are met in the amendment as the Permittee presented Section 5.2.1.1 and Section 5.2.5 detailing that the no underground mining will occur at this site.

cparker

Subsidence Control Plan Notification

Analysis:

The amendment meets the State of Utah R645-301-525.700 requirements for Public Notice of Proposed Mining.

The minimum requirements of R645-301-525.700 are met in the amendment as the Permittee presented a clear subsidence plan for protected areas that includes the appropriate notification at least six months prior to mining. Section 5.2.1.1 and Section 5.2.5 detail the no underground mining will occur at this site.

cparker

Subsidence Control Plan Slides and Other Damage

Analysis:

The amendment meets the State of Utah R645 requirements for Slides and Other Damage.

The amendment meets the minimum requirements of R645-301-515.100 with procedures already described within the existing MRP detailing the emergency contact procedures in the event of a slide. The amendment includes narrative in Chapter 5 Section 5.1.5 detailing the emergency contact procedures in the event of a slide, including contacting the Division by the fastest available means.

The amendment meets the minimum requirements of R645-301-516 by detailing that a natural barrier will be left undisturbed except as necessary for road, sedimentation control, temporary topsoil storage and similar features, beginning at the elevation of the coal seam and extending from the out slope for a distance of 50 ft.

cparker

Fish and Wildlife Protection and Enhancement Plan

Analysis:

The amendment meets the State of Utah R645-301-332 requirements for describing impacts of subsidence to fish, wildlife, and vegetative resources.

As described in Section 3.3.2 on page 3-6, no underground mining operation will occur within the permit area. Thus, the planned actions will not result in subsidence of renewable resource lands.

The amendment meets the State of Utah R645-301-333 requirements to describe how using best technology currently available to minimize adverse impacts to fish and wildlife, including compliance with the Endangered Species Act.

The fence surrounding the permit area was designed to be compatible with wildlife migration. This fence will be maintained during operations. No disturbance will occur outside of that fenced area. Furthermore, runoff control measures will be maintained to preclude off-site surface-water impacts. Other protective measures within the disturbed area boundary will include adhering to clean industrial hygiene procedures, properly disposing of all waste (papers, cans, bottles, etc.), and instructing employees not to hunt or harass wildlife in the permit and adjacent areas.

lreinhart

Topsoil and Subsoil

Analysis:

The application meets the requirements of R645-301-230, Operation Plan.

Section 2.3.1.1 states that there is 33,900 CY of subsoil and 2,300 CY of topsoil in stockpiles. Plate 2-1 shows the general locations of topsoil and subsoil stockpiled at the site. Plate 5-1 outlines the locations of the soil stockpiles. Section 2.3.4.1 states that the upper foot of these stockpiles is topsoil and below the topsoil is subsoil. In addition there is topsoil along the road embankments which was seeded and evaluated for reclamation success (App. 3-2). Topsoil was placed one foot deep above subsoil on berms of completed cells. Roadways are constructed on subsoil.

Stockpiles are protected with silt fences and are signed.

Section 2.3.1.1 and Section 2.4.2.1 describe removal and redistribution of topsoil and subsoil from the contemporaneously reclaimed refuse. The location for storage and protection of topsoil and subsoil during remining must be identified, per R645-301-234. The deficiency written in January 2016 is restated below.

pburton

Vegetation

Analysis:

The amendment meets the State of Utah R645-301-331 requirements for protection of vegetation.

The operation plan is described in Section 3.3 on page 3-6. The site is previously disturbed and there will be no new surface disturbance. Due to the scope of the project, interim revegetation is not reasonable or required.

lreinhardt

Road Systems Classification

Analysis:

The amendment meets the State of Utah R645 requirements for Road Systems and Other Transportation Facilities.

The amendment meets the minimum requirements of R645-301-527.100 by classify each road as primary or ancillary. The MRP section 5.2.7 contains the narrative describing how the access road from the facility will be used to transport coal and is classified as the only primary road. Various ancillary roads will be utilized within the existing disturbance in the development of operations to remove coal within the waste rock and will be temporary in nature.

cparker

Road System Plans and Drawings

Analysis:

The amendment meets the State of Utah R645 requirements for Transportation Plans and Drawings.

The amendment meets the minimum requirements of R645-301-534.100 by submitting plans and drawing for each road to be maintained within the permit area. The narrative in Section 5.2.1.1 and Section 5.3.4.1 detail how Energy West constructed an access road to the waste rock pile at the beginning of site operations. The access road will be maintained by BRCE during coal recovery and reclamation activities of the Bowie waste rock site. The access road was originally associated with Utah Power and Light Research Farm, prior to the construction of the waste rock site by Energy West. In the late 1980s Energy West upgraded the road upon the issuance of the waste rock facility permit to the current 24 feet roadway width to meet the R645 requirements of primary haul roads.

The road was designed to meet minimum R645 design regulations with a prepared subgrade that was scarified six inches and re-compacted to 90% of standard Proctor density. The subgrade consists of 10 inches of bottom ash that was moisture- continued and compacted. The road base consists of 1 inch crushed gravel with approximately 9% fines. The final surface lift of the access road consists of 3 inch thick layer of compacted, rotomilled asphalt. The gradient of the access road averages from approximately 3.3% to 1.7%. The road has a crown with a 1% slop toward the roadside drainage channels. The cuts into rock were constructed at slope of approximately 0.5H:1V. A locking gate is installed on the access road near the intersection of State Route 31 to control access to the site.

No alterations or relocations of any natural drainage ways were required within the permit area to accommodate the needs of transportation systems.

The original amendment did not meet the minimum requirements of R645-301-534.130 due to missing a slope stability analysis. A slope stability analysis was provided within appendix 5-3 of the MRP. The amendment now meets the minimum requirements of R645-301-534.130.

cparker

Road System Performance Standards

Analysis:

The amendment meets the State of Utah R645 requirements for Performance Standards of roads within the permit area.

The amendment meets the minimum requirements of R645-301-534.150 by submitting plans and drawing for each road to be maintained within the permit area to prevent and control erosion. The amendment meets the minimum requirements of R645-301-527.250 with no alternative specification or steep cut slopes associated with roads to be anticipated or contemplated at the time of this amendment. Section 5.2.1.1 details how road within the permit area were typically constructed with a 1.5H:1V cut and fill slopes.

The amendment meets the minimum requirements of R645-301-534.150 by submitting plans and drawing for each road to be maintained within the permit area to prevent and control erosion. Typical of the roads to be constructed within the disturbance boundary are show on Plate 5-1.

cparker

Road System Certification

Analysis:

The amendment meets the State of Utah R645 requirements for Primary Road Certification

The amendment meets the minimum requirements of R645-301-521.170 by submitting plans and drawing for each road to be prepared by or under the direction of and certified by a qualified registered professional engineer. The narrative of Chapter 5 Section 5.1.2.2 and 5.2.7 detail that all primary haul roads are designed and certified by Richard White, a professional engineer. All primary haul roads will be built in a stable manner to ensure environmental protection and safety with no stream fords.

cparker

Road System Other Transportation Facilities

Analysis:

The amendment meets the State of Utah R645 requirements for Other Transportation Facilities.

The amendment meets the minimum requirements of R645-301-521.170 by submitting plans and drawing for each road, conveyor, and rail system to be used within the proposed permit area. There are no conveyors or rail systems to be used within the proposed permit area.

cparker

Spoil Waste Disposals of Noncoal Mine Wastes

Analysis:

The amendment meets the State of Utah R645 requirements for Spoil and Waste Materials.

The amendment meets the minimum standards of R645-301-528.330 due to the narrative of Section 5.2.1.1 surface facilities states that no non coal mine waste will be generated at the site and any "general refuse that is generated on site will be regular removed from the site. This waste will consist predominately of daily miscellaneous garbage that will be responsibility of the individuals that generate the waste." The narrative defines what, how, and where the noncoal mine waste will be "regularly" removed.

The amendment meets the minimum requirements of R645-301-528.330 by detailing that no non-coal waste or hazardous waste will be disposed of within the permit area. As identified in Section 5.2.8.3 on page 5-18, No non-coal waste that is defined as hazardous in 40 CFR 261 will be generated at the site. Page 5-10 includes a description of removal of general refuse and miscellaneous garbage.

cparker

Spoil Waste Coal Mine Waste

Analysis:

The amendment meets the State of Utah R645 requirements for Coal Mine Waste.

The amendment meets the minimum standards of R645-301-528.320 due to no changes in the MRP text. The amendment meets the minimum requirements of R645-301-512.230 with the narrative with Chapter 5 Section 5.1.2.2 detailing how the existing waste rock pile was designed by professional engineer.

The amendment meets the minimum standards of R645-301-513.300. The amendment narrative includes a discussion of how coal mine waste fires will be handled. The narrative also states no underground development, coal processing waste, or excess spoils will be disposed of underground.

The amendment meets the minimum requirements of R645-301-528.320 with the narrative of Section 5.2.8.1 states that coal will be recovered from the waste rock site by crushing and screening equipment to the extent possible to maximize coal recovery within economic constraints. No overburden or excess spoil will be handled within the permit area.

The amendment meets the minimum requirements of R645-301-536.100 by detailing the 1988 geotechnical evaluation prior to the waste rock construction. Appendix 5-3 contains the original geotechnical report which also shows the stability analysis resulted in a static safety factor of 1.5. Section 5.3.6.2 details the placement of reject coal in two foot lifts to achieve an approximate outslope of 2H:1V. The minimum requirements of R645-301-536 are met due to information stated in narrative of Section 5.3.6.7. Narrative was added detailing waste placement in a manner meeting R645 regulations.

cparker

Spoil Waste Refuse Piles

Analysis:

The amendment meets the State of Utah R645 requirements for Refuse Piles

The amendment meets the minimum standards of R645-301-528.322 due to no changes in the MRP text. The amendment meets the minimum standards of R645-301-513.400. The original waste rock pile was designed and constructed in accordance with the relevant MSHA regulations the amendment detailed information how the waste placement after coal processing will also be replaced in a manner approved by MSHA regulations.

The amendment meets the minimum requirements of R645-301-514.200-.250. The narrative of Section 5.1.4.1 the amendment states how a qualified individual, with experience in the construction of refuse piles, will inspect the waste rock pile at least quarterly. The quarterly inspections will continue during the coal recovery operations and through to the final grading and revegetation of the waste rock pile. The quarterly reports of each inspection will be provided to the Division after each inspection.

The amendment meets the minimum requirements of R645-301-528.322, -301-536, and -542.730 due to information detailing the handling of the coal mine waste to meet R645 requirements.. Section 5.2.8.3 describes in further detail the methods of handling waste rock rejected material within the permit area. The narrative states that all rejected material, approximately 127,700 CY of material, will be placed back on areas currently occupied by waste rock.

cparker

Spoil Waste Impounding Structures

Analysis:

The amendment meets the State of Utah R645 requirements for impounding structures.

The amendment meets the minimum requirement of R645-301-512.140 by having all hydrology maps as described under -301-722 certified by a professional engineer, Richard White.

The amendment meets the minimum requirements of R645-301-512.240 by having a professional engineer, Richard White,

who has experience in design and construction of impoundments certify the designs of Ponds.

The amendment meets the minimum requirements of R645-301-513.200 by detailing within the MRP that no impoundments and sedimentation ponds meet the size or other qualifying criteria of MSHA 30 CFR 77.216.

The amendment meets the minimum requirements of R645-301-514.310-313 by text within Section 5.1.4.3 detailing that quarterly inspection will be made during coal recovery operations and throughout the period of final grading and revegetation. The quarterly reports will be prepared by a qualified individual and provided to the Division after each inspection. A copy of the inspection reports will also be kept at the BRCW office in Wellington, Utah.

The amendment meets the minimum requirements of R645-301-532 by detailing the sediment control measures carried out within the disturbed area to prevent untreated runoff. The narrative also describes UPDES permit associated with the site to have discharge.

Narrative within the MRP details that a total containment sediment pond is located within the permit area. This single pond is the only water impoundment detailed in Section 5.3.1 and 5.3.2. The specific design details of the pond may be found in Section 7.3.2 of the MRP. The pond is located on the west side of the waste rock pile with appropriate culverts and ditches directing drainage flowing into the pond, however, there is drainage off the disturbed area of the waste rock that does not report to the pond. The Permittee does not maintain an UPDES permit for the site as the pond is designed for a total containment, therefore any runoff from the disturbed area must report to the pond. Any onsite drainage outside the disturbed area is treated with silt fences and straw waddles and directed away from the site.

The amendment meets the minimum requirements of R645-301-533.110 -220 by detailing a geotechnical report that was completed for the impoundment that should detail a static safety factor of at least 1.3 for a normal pool with steady state seepage saturation conditions are met in appendix 5-3.

The amendment meets the minimum requirements of R645-301-533.300 due to narrative in section 5.3.3.3 detailing that out slopes and inslopes of the sedimentation pond will be periodically inspected for signs of surface erosion.

The amendment meets the minimum requirements of R645-301-533.400-500 by detailing that slopes are protected as riprap has been placed to protect the pond slopes and embankments near the discharge structures as well as soil stockpiles being revegetated.

The amendment meets the minimum requirements of R645-301-533.700 by providing a detailed design plan for structures that was prepared under the professional engineer. The pond was designed to meet the R645 storm requirements for a total containment structure. Narrative in Section 5.3.3.7 details the inspection and maintenance schedule for the pond with sediment removal when the pond accumulates 60% of the design sediment storage volume.

The amendment meets the minimum requirements of R645-301-356.300 and -763 by retaining all ponds until the second year of seeding to facility erosion control treatment.

cparker

Spoil Waste Burning and Burned Waste Utilization

Analysis:

The amendment meets the State of Utah R645-301-513.800 and R645-301-528.323 requirements due to no changes in the MRP text that no waste will be burned within the Permit area.

The amendment meets the minimum standards of R645-301-513.800 and R645-301-528.323 due the narrative in Section 5.2.8.3 detailing that no significant potential for this coal to spontaneously combust. In the event of any coal fires the MRP states that the fires will be handled as described in Section 5.1.3.8.

cparker

Spoil Waste Coal Processing Waste to Abandoned

Analysis:

The amendment meets the State of Utah R645 requirements for the approved return of coal development into abandoned underground workings.

The amendment meets the minimum standards or R645-301-528.340 due to no underground workings associated with the site.

cparker

Spoil Waste Excess Spoil

Analysis:

The amendment meets the State of Utah R645 requirements for excess spoil.

The amendment meets the minimum requirements of R645-301-512.210, R645-301-514.100, R645-301-521.143, R645-301-528, and R645-301-535.100 as there is no change in the approved MRP Chapter 3 Section 3.2.3.1 that states that no excess spoil will be generated.

kstorrar

Hydrologic Ground Water Monitoring

Analysis:

The amendment meets the State of Utah R645 requirements for Groundwater Monitoring. The amendment will continue quarterly groundwater monitoring at the waste rock site.

kstorrar

Hydrologic Water Quality Standards

Analysis:

The amendment meets the State of Utah R645 requirements for Water Quality Standards and Effluent Limitations. The amendment states water from the sediment pond may be used for dust suppression. The water will be applied within the permit area on permeable surfaces so excess runoff will be minimal. Any excess that does occur will be captured by sediment control structures and be retained within the permit area.

kstorrar

Hydrologic Diversion General

Analysis:

The amendment meets the State of Utah R645 requirements for Diversions. Diversions have been designed to safely convey runoff from design storms ranging from 10-year 24-hour to 100-year 24-hour events. The application provides supporting calculations and designs for the ditches.

kstorrar

Hydrologic Diversion Misc. Flows

Analysis:

The amendment meets the State of Utah R645 requirements for Sediment Control Measures. Plate 7-2 within the amendment shows the location of diversion ditches and any sheet flow on the refuse pile will be properly conveyed to the sediment pond, siltation structures that encompass the operational area during mining.

kstorrar

Hydrologic Siltation Sedimentation

Analysis:

The amendment meets the State of Utah R645 requirements for Siltation Structures. The sediment pond will be left in place at the initial time of reclamation and will be removed after two years of augmented seeding.

kstorrar

Hydrologic Exemptions

Analysis:

The amendment meets the State of Utah R645 requirements for siltation structure exemptions. The first exemption ASCA-1 will treat runoff with a sediment fence and the second exemption area ASCA-2 will treat runoff with a vegetative filter.

kstorrar

Hydrologic Impoundments

Analysis:

The amendment meets the State of Utah R645 requirements for Impoundments. The amendment provides a narrative, calculations, and designs of the sediment pond. The pond is designed for total containment. The sizing takes into account sediment storage in addition to impounding a 100-year 24-hour event. The amendment includes a narrative and timeline for sediment removal from the pond. The impoundment includes an emergency spillway in the unlikely event that it discharges water.

kstorrar

Support Facilities and Utility Installations

Analysis:

The amendment meets the State of Utah R645 requirements for Support Facilities and Utility Installations.

The amendment meets the minimum requirements of R645-301-521.180 and -526 that require the description, plans, and drawing for each support facility to be constructed, used, or maintained within the proposed permit area. The narrative of Section 5.2.1.1 details the single existing impoundment and support roads. Plate 5-1 details the general location of all support facilities located within the Permit area. Plate 7-1 shows the pond plan and cross sections.

The application meets the minimum requirements of R645-301-526.220 that requires the description, plans, and drawing for each support facility to be constructed, used, or maintained within the proposed permit area. Chapter 5 Section 5.2.6.2 details that the support facilities at the site will consist of only mobile equipment. No permanent equipment or utilities will be issued for the coal recovery operations of the waste rock. All temporary installations of structures will be located, maintained, and used in a manner to prevent or control erosion utilizing best technology currently available.

cparker

Signs and Markers

Analysis:

The amendment meets the State of Utah R645 requirements for Signs and Markers.

The amendment meets the minimum requirements of R645-301-521.200 by the general discussion of signs. Section 5.2.1.1 details that the access road will have a locking gate to control access to the site. Section 5.2.1.2 details the various specific information that will be displayed on the permit identification signs to meet R645 regulations. The perimeter of the permit area will be marked with a fence, as shown on Plate 5-1. There are no stream buffer zone markers within the Permit area as there are perennial or intermittent stream channels within the permit area. All topsoil and subsoil markers have been placed on the respective soil stockpiles to meet R645 regulations.

cparker

Explosives General

Analysis:

The amendment meets the State of Utah R645 requirements for general Use of Explosives.

The amendment meets the minimum requirements of R645-301-521.167 as the narrative within Chapter 5 Section 5.2.4 states that no blasting operations conducted will be conducted at the site.

Explosives Preblasting Survey

Analysis:

The amendment meets the State of Utah R645 requirements for a Preblasting Survey.

The amendment meets the minimum requirements of R645-301-524.300 as the application states no blasting will be conducted at the site, therefore a pre-blasting survey is not required.

cparker

Explosives General Performance Standards

Analysis:

The amendment meets the State of Utah R645 requirements for establishing General Performance Standards.

The amendment meets the minimum requirements of R645-301-524.430 as the application states no blasting will be conducted at the site, therefore a pre-blasting survey is not required.

cparker

Explosives Blasting Signs Warnings Access Control

Analysis:

The amendment meets the State of Utah R645 requirements for Blasting Signs and Warnings

The amendment meets the minimum requirements of R645-301-524.460 and -524.530 as the application states no blasting will be conducted at the site, therefore a pre-blasting survey is not required

cparker

Explosives Control of Adverse Effects

Analysis:

The amendment meets the State of Utah R645 requirements for Blasting: Control of Adverse Effects

The amendment meets the minimum requirements of R645-301-524. as the application states no blasting will be conducted at the site, therefore a pre-blasting survey is not required.

cparker

Explosives Records of Blasting Operations

Analysis:

The amendment meets the State of Utah R645 requirements for Records of Blasting Operations

The amendment meets the minimum requirements of R645-301-524.700 as the application states no blasting will be conducted at the site, therefore a pre-blasting survey is not required.

cparker

Maps Affected Area

Analysis:

The Application meets the minimum requirements for geological maps required by R645-301-624.

An Area Geologic Map and Stratigraphic section are found as Figure 6-1. The site is located near the mouth of Huntington Canyon, about 6 miles northwest of the town of Huntington, Utah. Rocks exposed in the area are marine-derived mudstones in the lower portion of the Masuk Member of the Mancos Shale. The Masuk Shale on the bench which adjoins

the site on the east and west is covered by a 5- to 20- foot thick layer of terrace gravel of Quaternary age. North-south trending normal faults have disrupted the strata in the region. However, no faults are known to exist within the permit area. Stratigraphy. The oldest rocks exposed in the region are part of the marine Mancos sequence deposited in Late Cretaceous time. This formation contains several alternating units of off-shore marine mudstones near-shore marine sandstones.

The benches on the west and east sides of the permit area are covered by a Quaternary pediment mantle. These materials are highly variable, of fluvial origin, and consist of a poorly bedded mixture of silt, sand, pebbles, cobbles, and boulders derived from adjacent uplands

dhaddock

Maps Affected Area

Analysis:

The amendment meets the State of Utah R645-301-521.100 requirements for Affected Area Maps.

The amendment meets the minimum requirements of R645-301-521.100 through-521.130 by not updating all the relevant maps for the entire area shown on the mine plan. As described in Section 5.2.1.1 the surface contour data from an aerial survey conducted on September 26, 2014 by Aero-graphics is depicted on Plate 5-1. The plate shows two foot contour intervals of the map clearly show the existing surface topography of the permit and adjacent areas.

cparker

Maps Facilities

Analysis:

The amendment meets the State of Utah R645 requirements Mining Facilities Maps.

The application meets the minimum requirements of R645-301-521.161 by detailing the existing waste rock pile, haul roads, sedimentation pond, and soil stockpile areas relevant to mining operations on Plate 5-1.

The application meets the minimum requirements of R645-301-521.162 by providing a map detailing the yearly and overall disturbance for the waste rock site.

The application meets the minimum requirements of R645-301-521.163 as there is a clear narrative and reference to a narrative or drawing that details what surface mining operations are bonded for within the permit area.

cparker

Maps Mine Workings

Analysis:

The amendment meets the State of Utah R645-301-521.140 requirements for Mine Workings Maps.

The application meets the minimum requirements of R645-301-521.140 which requires maps that clearly show all mine plans and no underground mine workings are present within the permit area

cparker

Maps Certification Requirements

Analysis:

The amendment meets the State of Utah R645-301-512 Certification Requirements.

The application meets the minimum requirements of R645-301-512 as all mine drawings and plates are stamped by a Utah certified professional engineer, Richard White, with experience in surface mining operations.

cparker

Reclamation Plan

General Requirements

Analysis:

The amendment meets the State of Utah R645 requirements for Reclamation Activities.

The application meets the minimum requirements of R645-301-513 by detailing no ponds meet the MSAH, 30 CFR 77.216 requirements, no refuse piles will be constructed and all sealing of underground openings shall meet MSHA, 30 CFR 75.1711 and R645-301-551 requirements.

The application meets the minimum requirements of R645-301-541.200 by stating that surface coal mining activities will be conducted within the permit area. Remining of the waste rock site is by definition of R645-100-200 surface coal mining and reclamation activities. The Permittee will amended section 5.4.1.2 to address the appropriate R645 regulations.

The application meets the minimum requirements of R645-301-553 in the narrative of Section 5.4.2.2 which details the backfilling and grading of the waste rock site at final reclamation. See the backfill and grading analysis for further details.

cparker

PostMining Land Use

Analysis:

The amendment meets the State of Utah R645-301-412 requirements for postmining land use.

The description of the PMLU is located in Section 4.1.2.1 on pages 4-3 and 4-4. The proposed use is wildlife habitat. The plan explains how the proposed postmining land use is to be achieved through reclamation. The PMLU is consistent with county zoning ordinances and compatible with adjacent land uses. BRCW owns and operates the site therefore, landowner comments are not required.

lreinhard

WildLife Protection

Analysis:

The amendment meets the State of Utah R645-301-342 requirements for a fish and wildlife plan for the reclamation and postmining phase of operation.

Enhancement measures identified in Section 3.4.2.1 on page 3-8 includes seeding native and non-native plants that serve as valuable wildlife forage. NOTE: Care should be taken because some plants in the mix are not native (alfalfa and yellow sweetclover). Low rabbitbrush is highly competitive and will invade naturally, and Bottlebrush squirreltail outcompetes many of the desirable shrub species in the mix. Consideration to modifying the seedmix for these reasons should be given.

The Division finds the proposed operation will not affect the continued existence of endangered or threatened species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act.

Section 3.4.2.2 should reference Appendix 3-3, Letter from DWR.

lreinhard

Approximate Original Contour Restoration

Analysis:

The amendment meets the State of Utah R645 requirements for Approximate Original Contour Restoration.

The amendment meets the minimum R645-301-512.200 , -553.110 through -553.150, and -302-270 due to the proposed post mining land use change that would not require a variance from approximate original contour (AOC).

AOC as defined by R645-301-553.100 through -553.150 is achieved when the final grade closely resembles the general surface configuration of the land prior to mining activities and provides a subsurface foundation for vegetative cover capable of stabilizing the surface from erosion. The reclamation plan proposed with Chapter 5 meets these minimum requirements.

The amendment meets the minimum R645-301-512.200 and -553.110 as there is no change in the MRP and all grading will be place back to approximate original contours.

cparker

Backfill and Grading General

Analysis:

The amendment meets the State of Utah R645 requirements for Backfill and Grading.

The amendment meets the general requirements of R645-301-553 by detailing a general backfill and grading plan that details how disturbed areas will be backfilled and graded to achieve the approximate original contour, eliminate all highwalls, spoil piles, and depressions, and achieve a postmining slope that does not exceed either the angle of repose or such lesser slope as is necessary to achieve a minimum long term static safety factor of 1.3 and to prevent slides, minimize erosion and water pollution both on and off the site, and support the approved postmining land use.

The application meets the general requirements of R645-301-553 by detailing a general backfill and grading plan in section 5.4.2.1 that details how disturbed areas will be backfilled and graded to achieve the approximate original contour, eliminate all highwalls, spoil piles, and depressions, and achieve a postmining slope that does not exceed either the angle of repose or such lesser slope as is necessary to achieve a minimum long term static safety factor of 1.3 and to prevent slides, minimize erosion and water pollution both on and off the site, and support the approved postmining land use.

A time table of all major reclamation operations is located in Table 5.1. Reclamation details the removal of the asphalt access road. The asphalt will be placed on the reject pile prior to the pile being regraded to slope from east to west and north to south. The reject material will be pushed into the sedimentation pond using dozers and other various equipment. All backfilled material will be compacted using a sheepsfoot roller to achieve approximately 90% of standard proctor density.

Plate 5-3 details the reclamation channels to be cut through the pile to control site drainage. The channels will be lined with riprap and have the dimensions, however, the drainage from the channels does not route to the pond to meet R645-301-356.300 and -301-763 reclamation requirements.

The final reclamation surface will be mulched, crimped and soil surface roughened to promote moisture retention and minimize erosion.

The application meets the requirements of R645-301-553.252 by including an analysis of the waste rock to be non acid forming or toxic to justify the placement of less than four feet of cover material. The justification of the toxicity of the waste rock is present in Section 6.2.3 of the MPR. A total of 35 inches of subsoil will be place with an additional 2.5 inches of topsoil for sufficient growth media for revegetation of the site.

cparker

Backfill and Grading Previously Mined

Analysis:

The amendment meets the State of Utah R645 requirements for Previously Mined Areas.

The minimum requirements of R645-301-553.500 are met within the amendment as there is no change to the existing MRP grading reclamation details. The MRP narrative in Chapter 5 Section 5.2.1.1 states that there are no previously mined areas with the mining operations.

cparker

Backfill and Grading on Steep Slopes

Analysis:

The amendment meets the State of Utah R645 requirements for Backfilling and Grading on Steep Slopes.

The minimum requirements of R645-301-553.200 are met within the amendment as there is no change to the existing MRP grading reclamation details.

cparker

Backfill and Grading Steep Special Provisions

Analysis:

The amendment meets the State of Utah R645 requirements for Special Provisions for Steep Slope Mining.

The minimum requirements of R645-301-537 and -553 are met within the amendment as there is no change to the existing MRP grading reclamation details.

cparker

Mine Openings

Analysis:

The application meets the requirements of R645-301-513, R645-301-529, R645-310-551 and R645-301-631. As this is a Coal Waste recovery operation there will be no mine openings or exploration drill holes installed.

dhaddock

Mine Openings

Analysis:

The amendment meets the State of Utah R645 requirements for Mine Openings.

The minimum requirements of R645-301-513.500, R645-301-529, and R645-301-551 are met within the amendment as there is no change to the existing MRP sealing of mine openings at the time of final reclamation. The R645 requirements are met within the application as there are no mine openings associated with the Deer Creek waste rock site.

cparker

Topsoil and Subsoil

Analysis:

The application meets the requirements of R645-301-240 Reclamation Plan.

Section 2.4.2.1 describes replacement of topsoil and subsoil from stockpiles after coal recovery. Section 2.4.2.2 describes scarification of subsoil prior to topsoil redistribution. Section 2.4.3 describes the application of fertilizer. Section 2.4.4 describes soil stabilization using surface roughening and mulch.

pburton

Road System Reclamation

Analysis:

The amendment meets the State of Utah R645 requirements for Reclamation of Roads.

The minimum requirements of R645-301-534 are met within the application as all primary roads will be designed to R645-301-534.300 and all temporary ancillary roads will meet the general 534 design requirements. There are not any roads with the permit area that R645-301-537 would apply.

The minimum requirement of R645-301-542.600, are met as all road will be reclaimed. Section 5.4.2.2 details the reclamation of the asphalt access road by removing the road surface and placing the waste within the waste rock pile.

cparker

Road System Retention

Analysis:

The amendment meets the State of Utah R645 requirements for Retention of Roadway Facilities.

The minimum requirements of R645-301-534 and -552 are met within the amendment as there is no change to the existing MRP reclamation of roads that will be retained at the end of mining that exist throughout the permitted area.

cparker

Contemporaneous Reclamation General

Analysis:

The amendment meets the State of Utah R645-301-352 requirements for contemporaneous reclamation.

Given the relatively short duration of anticipated coal recovery operations at the site, contemporaneous reclamation is not considered practical.

lreinhart

Contemporaneous Reclamation General

Analysis:

The amendment meets the State of Utah R645 requirements for Contemporaneous Reclamation.

The minimum requirements of R645-301-553 in regards to contemporaneous reclamation and backfilling activities are met within the application as the MRP details the sequencing of mining and backfilling of the operation in Chapter 5 Section 526, 528 and 553.

cparker

Revegetation General Requirements

Analysis:

The amendment meets the State of Utah R645-301-341 requirements for a revegetation plan.

The reclamation plan for final revegetation is located in Section 3.4.1 on page 3-7 and 3-8. The plan describes how reclamation of all lands disturbed will comply with the biological protection performance standards. The plan includes a detailed schedule and timetable for each major step (Section 5.4.2.1) seed mix (Table 3-1), planting methods, and mulching. Measures proposed to determine success of revegetation are identified in Section 3.5.6.

The amendment meets the State of Utah R645-301-353 requirements for vegetative cover.

The revegetation plan is described in Section 3.40 on page 3-7. The seed mix presented in Table 3-1 is intended to provide vegetative cover that will be diverse, effective, and permanent. The seed mix is comprised of species native to the area as well as introduced species recommended by the Utah Division of Wildlife Resources for enhancement of wildlife habitat. The seed mix was selected to be compatible with the climate, potential seedbed quality, and drought tolerance and should result in cover at least equal in extent to the reference site.

The amendment meets the State of Utah R645-301-357 requirements for extended responsibility period.

The period of extended responsibility will begin after the last year of augmented seeding, fertilization, irrigation, or other revegetation work, excluding husbandry if approved by the Division. The average annual precipitation is around 7-10 inches and therefore, the extended responsibility period will be 10 years.

lreinhart

Revegetation Timing

Analysis:

The amendment meets the State of Utah R645-301-354 for revegetation timing.

Reclaimed areas will be revegetated during the first favorable period for planting as discussed in Section 3.4.1.1 and Reclamation Timetable identified as table 5-1.

ireinhart

Revegetation Mulching and Other Soil Stabilization

Analysis:

The amendment meets the State of Utah R645-301-355 requirements for mulching and soil stabilizing.

Mulching and soil stabilizing practices are identified in Section 3.5.3.1 on page 3-10. The area to be revegetated will be mulched during reclamation. The mulching, together with the seed mixture and surface roughening of the redistributed topsoil, should provide adequate erosion control.

ireinhart

Revegetation Standards for Success

Analysis:

The amendment meets the State of Utah R645-301-356 requirements for revegetation standards for success.

Success standards are identified in Section 3.5.6.1 on pages 3-12 and 3-13. Success will be determined by comparison to data obtained from the reference area shown on Plate 3-1. Final comparisons will involve random sampling of both the reference area and the revegetated site. Estimates of ground cover and density of woody plant species will be made for the revegetated areas and the reference areas. The PMLU is wildlife habitat.

ireinhart

Stabilization of Surface Areas

Analysis:

Analysis:

The application meets the requirements of R645-301-244, Soil Stabilization, because, Section 2.3.1.3 describes annual inspection and repair of erosion on the soil stockpiles and Section 2.4.4 describes using surface roughening and mulch at reclamation.

pburton

Cessation of Operations

Analysis:

The amendment meets the State of Utah R645 requirements for Cessation of Operations

The minimum requirements of R645-301-515 and -541 are met within the amendment as there is no change to the existing MRP plan of communication with the appropriate parties in the event of the cessation of operations and final reclamation.

The application includes a narrative in Section 5.1.5.3 that details the operations the Permittee will follow in the event a temporary cessation will last for a period of 30 days or more. The notice of intention to cease or abandon operations will be submitted to the Division and include all required applicable information outlined in R645-301-515.300 through -515.322.

The minimum requirements of R645-301-541 are met within the application as there is no change to the existing MRP plan of communication with the appropriate parties in the event of the cessation of operations and final reclamation.

cparker

Maps Affected Area Boundary

Analysis:

The amendment meets the State of Utah R645-301-521.100 requirements for Affected Area Maps.

The minimum requirements of R645-301-542 are met within the amendment as there is no change to the existing MRP plan. The application meets the minimum requirements by detailing the affected area on Plate 5-1. The disturbed area is the only surface area that will be affected by surface mining operations of the waste rock site.

cparker

Maps Bonded Area

Analysis:

The amendment meets the State of Utah R645 requirements for Bonded Area.

The minimum requirements of R645-301-800 are met within the application as the bonded area map depicts the disturbed area on Plate 5-1. The information in Plate 5-1 matches the information depicted in Appendix 8-1. Plate 5-3 details the final reclamation grading and contour map of all area disturbed on Plate 5-1.

cparker

Maps Reclamation BackFilling and Grading

Analysis:

The amendment meets the State of Utah R645 requirements for Reclamation Backfilling and Grading Maps.

The minimum requirements of R645-301-542 are met within the application including the final grading map of Plate 5-3. A clearer bond area map was provided showing the appropriate justification for various areas of backfilling volumes detailed in Appendix 8-1.

cparker

Maps Reclamation Facilities

Analysis:

The amendment meets the State of Utah R645 requirements for Reclamation Facilities Maps

The minimum requirements of R645-301-542 are met within the application as there is a detailed map or plan for showing the sequence of reclamation time table. Table 5-1 is included in Chapter 5 and depicts the time require to reclaim each individual feature.

There is a discussion and engineering design provided in Chapter 5 to show that the natural drainages that will be placed back in a stable manor meeting the requirements of R645-301-358.400, R645-301-521.100 through-521.130, R645-301-731.610, R645-301-527.220 and R645-301-121.200. All surface coal mining operation facilities will be reclaimed as depicted in Plate 5-3.

cparker

Maps Reclamation Final Surface Configuration

Analysis:

The amendment meets the State of Utah R645 requirements for Final Surface Configuration Maps.

The requirements of R645-301-542 are met within the amendment as the application only includes Plate 5-3 depicts the final surface configuration in plan view.

cparker

Maps Reclamation Surface and Subsurface Man Made

Analysis:

The amendment meets the State of Utah R645 requirements for Reclamation of Surface and Subsurface Manmade Features Maps.

The minimum requirements of R645-301-542 are met within the application due no remaining manmade features at final reclamation.

cparker

Maps Reclamation Certification Requirments

Analysis:

The amendment meets the State of Utah R645 requirements for Certification Requirements

R645-3010-512 minimum requirements are met as all mine drawings and plates are stamped by a Utah certified professional engineer, Richard White, with experience in surface mining operations.

cparker

Bonding and Insurance General

Analysis:

The amendment meets the State of Utah R645 requirements for Bonding and Insurance Requirements.

The amendment meets the minimum requirements of R645-301-800 as the applicant is current on the bond and insurance standings. The detail line item costs references various sub areas of grading that are labeled on a map. The various backfill volumes can be verified by the tables and plates provided.

cparker

Bonding Form of Bond

Analysis:

The amendment meets the State of Utah R645 requirements for Form of Bond.

The application meets the minimum requirements of R645-301-860.100 as the applicant states that upon acceptant of the permit the Permittee will file for a surety bond licensed to do business within Utah.

cparker

Bonding Determination of Amount

Analysis:

The amendment meets the State of Utah R645 requirements for Determination of Bond Amount.

The amendment meets the minimum requirements of R645-301-830.140 as the Permittee submitted detailed bond information in regards to the amendment in chapter 8 and plate 5-3. Detailed line items are contained within Appendix 8-1. The original application had several error including that it is the Division that determines the total minimum required reclamation bond amount. Upon review of the original sheets following errors were corrected: the Division utilizes the RS Means bare unit cost, OSM has determined that all indirect costs will sum to 26.8%, Division escalation rate for 2015 is 1.2%, RS reference number 31-23-23.20 0014 should be 31-23-23.20 1014, RS reference number 31-23-23.15-5010 should be 31-23-23.15 5060, RS reference number 31-14-13.23 0700 should be 31 14 13.23 1420, RS reference number 31 21 23.14 440 should be 31 23 23.14 4440, and Revegetation must include a 25% reseeding cost

The clean copies of the amendment included the incorporation of the Division sheets with all of the above corrections made. A total direct cost of \$503,535 was calculated for the reclamation of the waste rock site. With a totally indirect cost of 26.8% the total cost of reclamation of the site and minimum bond required for the site is \$686,000 in 2020 dollars.

cparker

Bonding Terms and Conditions Liability Insurance

Analysis:

The application meets the State of Utah requirements for R645-301-800, Certificate of Liability Insurance.

A Certificate of Liability Insurance has been submitted for the Insured, Bowie Refined Coal, LLC.

However, prior to final approval, the Insured will be required to update the Description of Operations as Bowie Waste Rock Site C/015/0035 and the Certificate Holder as the Division of Oil, Gas & Mining.

sssteab

Bonding Terms and Conditions Liability Insurance

Analysis:

The amendment meets the State of Utah R645 requirements for Terms and Conditions for Liability Insurance.

The application meets the minimum requirements of R645-301-850 as the site currently has insurance for personal injury and property damage with a copy of the certificate located in Appendix 1-2.

cparker



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES


MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

August 11, 2016

TO: Internal File

FROM: Daron R. Haddock, Permit Supervisor 

RE: Compliance Review for Section 510 (c) Findings, BRC Wellington, LLC

As of the writing of this memo, there are no NOVS or COs which are not corrected or in the process of being corrected. There are no finalized Civil Penalties, which are outstanding and overdue in the name of BRC Wellington, LLC. BRC Wellington, LLC does not demonstrate a pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

The recommendation from the Applicant Violator System (AVS) denotes that all connected entities either do not have any civil penalties or are under a settlement agreement (attached).

O:\015035.WRS\WG4966 PERMIT APP\DECISION DOCUMENT\510C.DOC



U.S. Department of the Interior Office of Surface Mining
Applicant/Violator System

suzanne.steab (UT) | [Logou](#)

[Click for the Office of Surface Mining Website](#)

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[HOME](#) > ENTITY EVALUATE

Evaluation on Application Number: C0150035 SEQ:0

0 Violations

[Print Report](#)

Application Evaluation

Application Number	C0150035 SEQ:0
Applicant Name	254465 BRC Wellington LLC
Date of Request	8/11/2016 10:59:46 AM
Requestor	suzanne.steab

CAUTION: The Applicant/Violator System (AVS) is an informational database. Permit eligibility determinations are made by the regulatory authority with jurisdiction over the permit application not by the AVS. Results which display outstanding violations may not include critical information about settlements or other conditions that affect permit eligibility. Consult the AVS Office at 800-643-9748 for verification of information prior to making decisions on these results.

There were no violations retrieved by the system

Evaluation OFT

Entities: 9

249037 Rickmeier Advisors Inc - ()
---249036 Steve Rickmeier - (Owner)
---249036 Steve Rickmeier - (President)
---253716 Bowie Refined Coal LLC - (Subsidiary Company)
-----249036 Steve Rickmeier - (Member)
-----249036 Steve Rickmeier - (Shareholder)
249044 Gillian L Rickmeier Trust - ()
---249038 Rickmeier Partners LP - (Subsidiary Company)
-----249036 Steve Rickmeier - (Partner)
-----253716 Bowie Refined Coal LLC - (Subsidiary Company)
-----249036 Steve Rickmeier - (Member)
-----249036 Steve Rickmeier - (Shareholder)
249045 Mark G Rickmeier Trust - ()
---249038 Rickmeier Partners LP - (Subsidiary Company)

-----249036 Steve Rickmeier - (Partner)
-----253716 Bowie Refined Coal LLC - (Subsidiary Company)
-----249036 Steve Rickmeier - (Member)
-----249036 Steve Rickmeier - (Shareholder)
254465 BRC Wellington LLC - ()
---128807 James J Wolff - (Chief Financial Officer)
---249036 Steve Rickmeier - (Member)
---253999 Justin F. Thompson - (Vice President)

Narrative

Request Narrative

AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

SS.

County of Emery,)

I, Jenni Fasselin, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State of Utah and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and on the Utah legals.com website; the first publication was on the 6th day of October, 2015, and that the last publication of such notice was in the issue of such newspaper dated the 27th day of October, 2015.

Jenni Fasselin

Jenni Fasselin – Publisher

Subscribed and sworn to before me this 27th day of October 2015.

Linda Thayne

Notary Public My commission expires January 10, 2019 Residing at Price, Utah

Publication fee, \$ 168.00



**NOTICE OF PERMIT APPLICATION
BRC WELLINGTON LLC**

Notice is hereby given that BRC Wellington LLC, 6100 Dutchmans Lane, Suite 900, Louisville, Kentucky 40205 has submitted an application to the Utah Division of Oil, Gas and Mining (the "Division") to recover coal from the Deer Creek waste rock site located approximately 6 miles northwest of Huntington, Utah. The permit area for this facility is located in Sections 5 and 6, Township 18 S., Range 8 E., SLBM and contains approximately 30.92 acres.

The Division has determined that this application is administratively complete. A copy of the permit application is available for public inspection at the following locations:

Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Salt Lake City, UT 84114-5801

Written comments, objections, or a request for an informal conference regarding the above application should be directed to the Division at the above address within the next 30 days.

Published in the Emery County Progress October 6, 13, 20 and 27, 2015.



CERTIFICATE OF LIABILITY INSURANCE

BOWIE-2

OP ID: BH

DATE (MM/DD/YYYY)

02/05/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Central Insurance Services
4630 Taylorsville Rd
Louisville, KY 40220
Robert P. Wessel, Jr. CPCU

CONTACT NAME: Robert P. Wessel, Jr. CPCU

PHONE (A/C, No, Ext): 502-493-2370

FAX (A/C, No): 502-493-2320

E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: Federal Insurance Company

20281

INSURER B: American Mining Ins Co

INSURER C:

INSURER D:

INSURER E:

INSURER F:

INSURED
Bowie Refined Coal, LLC
Roy West
6100 Dutchmans Ln Ste 1100
Louisville, KY 40205

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Emp/Ben ded of \$1 GEN'L AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER		3588-98-32CHI	02/05/2015	02/05/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Emp Ben. \$ 1,000,000
X	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS		(13) 7357-91-53	02/05/2015	02/05/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$		7987-5887	02/05/2015	02/05/2016	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A	AMWC131701	02/01/2015	02/01/2016	PER STATUTE OTH-ER E L EACH ACCIDENT \$ 1,000,000 E L DISEASE - EA EMPLOYEE \$ 1,000,000 E L DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Includes coverage for AL7-BRC Alabama No.7, LLC/BRC Alabama 4, LLC at 13702 Milldale Road, Brookwood, AL 35444-3179

CERTIFICATE HOLDER

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Robert P. Wessel, Jr. CPCU

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